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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,742	03/25/2004	Zhi-Long Lin	14316 B	7332
36672	7590	03/22/2005	EXAMINER	
CHARLES E. BAXLEY, ESQ. 90 JOHN STREET THIRD FLOOR NEW YORK, NY 10038			TRUONG, THANH K	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/809,742	LIN, ZHI-LONG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thanh K Truong	3721	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features: the "lay the wash table and the washbasin matching with the pre-drilled setting hole and location holes on a crash pallet together" in claim 1, and the "window" (for the customers to view the product) in claim 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to because the last step (the box with the label of "Finishing the package" in figure 1) does not clearly describe what is the method step comprised, and there is no explanation or support from the specification to what is the step of "finishing the package".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the

top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

4. The use of the trademark KRAFT has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Following are the few examples:

Claim 1 recites the limitation "the stone plate" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the wash table" in line 3. There is insufficient antecedent basis for this limitation in the claim.

The recitation "the first step is to cut the stone plate into a size as the wash table that the customers can lay over directly, and a setting hole and at least two location hole are pre-drilled therein" (in claim 1) is awkward and confusing.

The recitation "the second step is to lay the wash table and the washbasin matching with the pre-drilled setting hole and location holes on a crash pallet together" (in claim 1) is confusing, for it is unclear what is being matched with the pre-drilled setting hole (the step of drilling a hole in the washbasin was never mentioned), and what is a "crash pallet"?

The recitation "to wrap the wash table ... without any loosening" is vague and indefinite, because it is unclear what is being used to wrap the wash table with the washbasin?

The recitation "the wash table should be pre-drilled an inlet pipe hole at least" is confusing, because it is unclear what the Applicant is referring to? It is unclear what is the claimed limitation? Is the inlet pipe hole different from the setting hole?

The word "Kraft paper" is recited in claim 7, and the examiner is not quite clear what is "Kraft paper"? and how do the "Kraft paper" able to support and hold up the heavy stone

product such as the washbasin assembly? And where is the window (as mentioned in claim 3) located on the finished wrapping product?

Claim 7 contains the trademark/trade name KRAFT. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe the wrapping paper and, accordingly, the identification/description is indefinite.

The examiner is not going to list every single 112, second of each claim in this application, please correct the claims (1-7) accordingly.

Accordingly, the claims, as the present form, are being interpreted as the examiner best understood.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (6,212,707) in view of Orr et al. (5,522,502).

Thompson discloses a method comprising:

the step of cutting the stone plate (70) into a size with opening (73) for washbasin and setting hole (74);

the step of lay the wash table (10) and the washbasin (200) with pre-drill holes (figure 1);

Thompson discloses the claimed invention, but does not expressly disclose the step of packaging the wash table-washbasin assembly securely on the pallet.

Orr discloses a method comprising the step of packaging the wash table-washbasin assembly securely on the pallet (figures 1 & 3) providing a secure means to ship and an attractive display means for the customer to inspect before purchasing. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Thompson's method by incorporating the packaging method as taught by Orr providing a complete packaging assembly that is securely packed, safe for shipping and storage, and attractively displays for viewing and inspection at the store.

The modified references further disclose: stone plate with pre-drill hole (74) (Thompson, figure 1); a window (open container) in the wrapping for viewing and touching of the product (Orr, figure 1); packaging fastening means with the packed product (66, 67, 68 - Thompson, figures 5-7); including the splash (42) in the packed product (Orr, figure 1); including the cementing agent with the packed product (Thompson – column 4, lines 60-62); and the package is securely wrapped on the pallet (Orr, column 9, lines 21-27).

**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K Truong whose telephone number is (571) 272-4472. The examiner can normally be reached on Mon-Thurs from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tkt  
March 9, 2005.



Rinaldi I. Rada  
Supervisory Patent Examiner  
Group 3700